

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

16 On February 9, 2009, Plaintiffs filed a Request to Issue Civil Subpoena Pursuant to 17 U.S.C.
17 § 512(h). Based on the request and declaration submitted,

18 IT IS HEREBY ORDERED that Plaintiffs' request is DENIED without prejudice to Plaintiffs
19 submitting a renewed request along with a proper subpoena. The proposed subpoena submitted by
20 Plaintiffs improperly calls for a company in this district to produce documents in a different district.
21 The proposed subpoena is also signed by Plaintiffs' counsel. Section 512(h) provides that, if a
22 request is properly supported and the subpoena is in proper form, the "the *clerk* shall expeditiously
23 issue and sign the proposed subpoena." *See* 17 U.S.C. § 512(h)(4) (emphasis added).

24 IT IS FURTHER ORDERED that this order is without prejudice to Plaintiffs filing a renewed
25 request along with a subpoena in proper form.

26 | Dated: 2/12/09

Patricia V. Trumbull
PATRICIA V. TRUMBULL
United States Magistrate Judge